

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

---

Patent Application of:

Yukihide IWAMOTO et al.

Application No.: 10/566,362

Confirmation No.: 3478

Filed: December 28, 2006

Art Unit: 1633

For: METHOD OF CONSTRUCTING  
ARTIFICIAL JOINT

---

Examiner: I. POPA

**NOTIFICATION OF CORRECTION OF ENTITLEMENT  
OF SMALL ENTITY STATUS UNDER 37 C.F.R. § 1.28(C)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

When the present application entered the national phase in the United States it was believed that the application qualified for Small Entity status. After the U. S. national phase was entered, it was understood that the status changed from Small Entity to Large Entity. Several fees were “mistakenly” paid for Large Entity Status during prosecution but refunds were requested because, under the PTO rules, small entity fees can be paid until the time of the payment of the Issue Fee. It has now been discovered that there was a misunderstanding regarding the date on which the change from Small Entity to Large Entity occurred. Any mistake or misunderstanding was in good faith and the Small Entity Fees were paid in good faith. Therefore, applicants would like to retroactively withdraw the Small Entity claim and pay all fees for this application, including past fees, according to the large entity fee schedule.

The Commissioner is requested to charge the below noted deficiencies to Deposit Account No. 02-2448. Accordingly, attached hereto is a Fee Transmittal listing the required deficiency payment. If Applicants have not calculated the deficiency correctly, the Commissioner is requested to charge the appropriate fees.

The deficient fees are listed below:

<u>Type of Fee</u>	<u>Amount Paid/Refunded</u>	<u>Date Paid</u>	<u>Deficiency</u>
Basic Filing Fee	\$695.00	March 17, 2006	\$695.00 (including the Filing Fee, Search Fee, Examination, and the Surcharge Fee)
Extension of Time (1 month)	\$65.00	June 22, 2010	\$65.00
Extension of Time (2 months)	\$180.00	July 22, 2010	\$180.00
RCE filing fee	\$405.00	July 22, 2010	\$405.00
<b>TOTAL DEFICIENCY \$1,345.00</b>			

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 116 or under 37 C.F.R. § 117; particularly, extension of time fees.

Dated:

Respectfully submitted,

By 

Gerald M. Murphy, Jr.

Registration No.: 28977

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road, Suite 100 East

P.O. Box 747

Falls Church, VA 22040-0747

703-205-8000